

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Yuvon Johns,

Plaintiff[s],

V.

Ocwen Loan Servicing, LLC.,

Defendant[s].

Case No. CV 16-02244 BRO (GJSx)

STANDING ORDER REGARDING NEWLY ASSIGNED CASES

**READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE AND
MAY DIFFER FROM THE LOCAL RULES.**

This action has been assigned to the calendar of Judge Beverly Reid O'Connell. The responsibility for the progress of litigation in the Federal Courts falls not only upon the attorneys in the action, but upon the Court as well. "To secure the just, speedy, and inexpensive determination of every action," Fed. R. Civ. P. 1, all counsel are hereby ordered to familiarize themselves with the Fed. R. Civ. P. , particularly Fed. R. Civ. P. 16, 26, the Local Rules of the Central District of California, this Court's Order for Jury Trial, and this Court's Order for Court Trial.¹

¹ Copies of the Local Rules are available on our website at <http://www.cacd.uscourts.gov> or they may be purchased from one of the following:

1 **UNLESS OTHERWISE ORDERED BY THE COURT, THE FOLLOWING**
2 **RULES SHALL APPLY:**

3 **1. Service of the Complaint.** The Plaintiff(s) shall promptly serve the
4 Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant
5 to Local Rule 5-3.1. Any Defendant(s) not timely served shall be dismissed from the
6 action without prejudice. Any “DOE” or fictitiously-named Defendant(s) who is not
7 identified and served within 90 days after the case is filed shall be dismissed pursuant
8 to Fed. R. Civ. P. 4(m).

9 **2. Removed Actions.** Any answers filed in state court must be re-filed
10 in this Court as a supplement to the petition. Any pending motions must be re-noticed
11 in accordance with Local Rule. If an action is removed to this Court that contains a
12 form pleading, i.e., a pleading in which boxes are checked, the party or parties
13 utilizing the form pleading must file an appropriate pleading with this Court within
14 thirty (30) days of receipt of the Notice of Removal. The appropriate pleading
15 referred to must comply with the requirements of Fed. R. Civ. P. 7, 7.1, 8, 9, 10 and
16 11.

17 **3. Presence of Lead Counsel.** The attorney attending any proceeding
18 before this Court, including all scheduling, settlement and pretrial conferences, must
19 be the lead trial counsel. Un-excused failure of lead counsel to appear will be grounds
20 for sanctions.

21 **4. Discovery.** All discovery matters have been referred to the assigned
22 United States Magistrate Judge to hear all discovery disputes. (The Magistrate Judge's
23 initials follow the Judge's initials next to the case number.) All documents must
24 include the words “DISCOVERY MATTER” in the caption to ensure proper routing.

26 Los Angeles Daily Journal
27 915 East 1st Street
28 Los Angeles, CA 90012

West Group
610 Opperman Drive,
P.O. Box 64526
St. Paul, MN 55164-0526

Metropolitan News
210 South Spring Street
Los Angeles, CA 90012

1 Counsel are directed to contact the Magistrate Judge's Courtroom Deputy Clerk to
2 schedule matters for hearing. Please do not deliver mandatory chambers copies of
3 these papers to this Court.

4 The decision of the Magistrate Judge shall be final, subject to modification by
5 the District court only where it has been shown that the Magistrate Judge's order is
6 clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A). Any party may
7 file and serve a motion for review and reconsideration before this Court. The moving
8 party must file and serve the motion within fourteen (14) days of service of a written
9 ruling or within fourteen (14) days of an oral ruling that the Magistrate Judge states
10 will not be followed by a written ruling. The motion must specify which portions of
11 the text are clearly erroneous or contrary to law, and the claim must be supported by
12 points and authorities. Counsel shall deliver a conformed copy of the moving papers
13 and responses to the Magistrate Judge's clerk at the time of filing.

14 **5. Motions - General Requirements**

15 a. Time for Filing and Hearing Motions: Motions shall be filed in
16 accordance with Local Rules 6 and 7. This Court typically hears civil motions on
17 Mondays, beginning at 1:30 p.m. If the motion date selected is not available, the
18 Court will issue a minute order striking the motion. (Counsel are advised to check the
19 availability of a selected date immediately prior to filing the motion. Counsel may
20 access availability at the following web address: [CLOSED MOTION DATES](#) Only
21 closed dates will show on the motion calendar for Judge O'Connell. Opposition or
22 reply papers due on a holiday must be filed the preceding Friday—not the following
23 Tuesday—and must be hand and electronically-delivered or faxed to opposing counsel
24 on that Friday. Professional courtesy dictates that moving parties should, whenever
25 possible, avoid filing motions for which opposition papers will be due the Friday
26 preceding a holiday. Such a filing is likely to cause a requested continuance to be
27 granted.

1 Adherence to the timing requirements is mandatory for Chambers' preparation
2 of motion matters.

3 b. Pre-filing Requirement: Counsel must comply with Local Rule 7-3,
4 which requires counsel to engage in a pre-filing conference "to discuss thoroughly . . .
5 the substance of the contemplated motion and any potential resolution." Pursuant to
6 Local Rule 7-3, counsel should discuss the issues to a sufficient degree that if a
7 motion is still necessary, the briefing may be directed to those substantive issues
8 requiring resolution by the Court. Counsel should resolve minor procedural or other
9 non-substantive matters during the conference. The pro per status of one or more
10 parties does not negate this requirement. Failure to comply with Local Rule 7-3 may
11 result in the Court striking the motion and/or sanctions.

12 c. Length and Format of Motion Papers: Memoranda of points and
13 authorities in support of or in opposition to motions shall not exceed 25 pages.
14 Replies shall not exceed 10 pages. Only in rare instances and for good cause shown
15 will the Court grant an application to extend these page limitations. Pursuant to Local
16 Rule 11-3.1.1, either a proportionally spaced or monospaced face may be used.
17 Typeface shall comply with Local Rule 11-3.1.1. (Civil). NOTE: If Times New
18 Roman font is used, the size must be no less than 14; if Courier is used, the size must
19 be no less than 12. Footnotes shall be in typeface no less than one size smaller than
20 text size and shall be used sparingly.

21 d. Citations to Case Law: Citations to case law must be in the Bluebook
22 format. Citations to case law must identify not only the case cited, but the specific
23 page referenced. Hyperlinks to case citations must be included.

24 e. Citations to Other Sources: Statutory references should be cited in
25 accordance with the Bluebook. Statutory references should identify with specificity
26 the sections and subsections referenced (e.g., Jurisdiction over this cause of action
27 may appropriately be found in 47 U.S.C. § 33, which grants the district courts
28

jurisdiction over all offenses of the Submarine Cable Act, whether the infraction occurred within the territorial waters of the United States or on board a vessel of the United States outside said waters). Statutory references that do not specifically indicate the appropriate section and subsection (e.g., Plaintiffs allege conduct in violation of the Federal Electronic Communication Privacy Act, 18 U.S.C. § 2511, *et seq.*) are to be avoided. Citations to treatises, manuals, and other materials should include the volume, section, and pages being referenced.

f. Oral Argument: If the Court deems a matter appropriate for decision without oral argument, the Court will notify the parties in advance. Pursuant to Fed. R. Civ. P. 78; C.D. and Cal. R. 7-15. the Court may deem the matter appropriate for decision without oral argument of counsel.

g. Calendar Conflicts: Counsel are to inform opposing counsel and the courtroom deputy clerk (via Chambers e-mail) as soon as a potential calendar conflict is discovered and no later than 3 days prior to the hearing. Counsel should attempt to agree on a proposed date to accommodate the calendar conflict and the schedules of the counsel and the Court.

6. E-Filing Requirements

a. Applicable Rules: Counsel shall e-file all filings pursuant to Rule 5(d)(3) Local Rule 5-4, and General Order 10-07.

b. Method of Filing: All items that do not require the Court's signature shall be e-filed in .pdf format. All proposed signature items shall be e-filed as an attachment to the main documents in .pdf format.

c. Use of Chambers E-Mail: All proposed signature items must be emailed to chambers e-mail at BRO_chambers@cacd.uscourts.gov in Microsoft Word format. A .pdf convertible to one of these forms is not acceptable. Parties seeking a proposed order based on a stipulation or an ex parte application should e-mail both the order and the stipulation or ex parte application. Parties should not e-

1 mail the accompanying documents for the proposed signature items (such as motion to
2 dismiss) unless requested by the Court.

3 **Proposed orders must be on pleading paper and should not contain**
4 **attorney names, addresses, etc. on the caption page, should not contain a footer**
5 **with the document name or other information, and should not contain a**
6 **watermark designation of the firm name, etc. in the margin.**

7 **7. Proposed Protective Orders and Filings Under Seal**

8 Proposed protective order pertaining to discovery must be submitted to the
9 assigned Magistrate Judge. Proposed protective orders should not purport to allow,
10 without further order of the Court, the filing under seal of pleadings or documents
11 filed in connection with dispositive motion (including a class certification motion) or
12 trial before Judge Beverly Reid O'Connell. The existence of a protective order alone
13 does not justify the filing of pleadings or other documents under seal, in whole or in
14 part.

15 An application to file documents under seal must meet the requirements of
16 Local Rule 79-5. Documents that are not confidential or privileged in their entirety
17 should not be filed under seal if the confidential portions can be redacted and filed
18 separately with reasonable amount of effort. The parties should file both a complete
19 versions of the pleadings and documents under seal, and a redacted version for public
20 viewing, omitting only such portions as the Court has ordered may be filed under seal.
21 Counsel are ORDERED to comply with Local Rule 79-5.2.2.

22 There is a strong presumption of access in civil cases. *Foltz v. State Farm Mut.*
23 *Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). For each documents or other type
24 of information sought to be filed under seal, the party seeking protection must identify
25 and discuss the factual or legal justification for the Court to find “good cause” or
26 “compelling reasons,” as appropriate, that such document or type of information

1 should be protected. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172,
 2 1179-80 (9th Cir. 2006).

3 **Sealing must be justified for each individual item to be sealed or redacted;**
 4 **blanket claims of confidentiality are not allowed and will result in a denial of the**
 5 **application to seal. Counsel is strongly encouraged to consider carefully whether**
 6 **sealing or redaction is required for a given piece of evidence or argument. The**
 7 **inclusion of clearly meritless requests to seal or redact documents may result in**
 8 **the complete rejection of an application to seal.**

9 Please refer to Local Rule 79-5.2.2for submission of sealed documents.

10 **8. Specific Motion Requirements**

11 a. **Motions Pursuant to Rule 12:** Many motions to dismiss or to strike
 12 can be avoided if the parties confer in good faith (as required under Local Rule 7-3),
 13 especially for perceived defects in a complaint, answer, or counterclaim that could be
 14 corrected by amendment. *See Chang v. Chen*, 80 F.3d 1293, 1296 (9th Cir. 1996)
 15 (where a motion to dismiss is granted, a district court should provide leave to amend
 16 unless it is clear that the complaint could not be saved by any amendment).
 17 Moreover, a party has the right to amend the complaint once as a matter of course
 18 within twenty-one (21) days of serving it or “if the pleading is one to which a
 19 responsive pleading is required, 21 days after service of a responsive pleading or 21
 20 days after service of a motion under Rule 12(b), (e), or (f), whichever is greater.” Fed.
 21 R. Civ. P. 15(a)(1). Even after a complaint has been amended or the time for
 22 amending it as a matter of course has run, the Federal Rules provide that leave to
 23 amend should be “freely given when justice so requires.” Fed. R. Civ. P. 15(a). The
 24 Ninth Circuit requires that this policy favoring amendment be applied with “extreme
 25 liberality.” *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir.
 26 1990).

1 These principles require that plaintiff's counsel carefully evaluate defendant's
2 contentions as to the deficiencies in the complaint. In most instances the moving
3 party should agree to any amendment that would cure the defect.

4 b. Motions to Amend: In addition to the requirements of Local Rule 15-
5 1, all motions to amend pleadings shall: (1) state the effect of the amendment; (2) be
6 serially numbered to differentiate the amendment from previous amendments; and (3)
7 state the page and line number(s) and wording of any proposed change or addition of
8 material.

9 The parties shall deliver to Chambers a "redlined" version of the proposed
10 amended pleading indicating all additions and deletions of material.

11 c. Summary Judgment Motions: Parties should not wait until the
12 motion cutoff to bring motions for summary judgment or partial summary judgment.
13 Moreover, the court expects that the party moving for summary judgment will strictly
14 observe the timing requirements of the Local Rules and this Standing Order. A
15 motion under Rule 56 must be filed at least **forty-nine (49)** days prior to the date on
16 which the motion is noticed for hearing. The opposition is due not later than **twenty-**
17 **one (21)** days before the date designated for the hearing of the motion, and the reply
18 not later than **fourteen (14)** days before the date designated for the hearing of the
19 motion. Because summary judgment motions are fact-dependent, parties should
20 prepare papers in a fashion that will assist the court in absorbing the mass of facts
21 (e.g., generous use of tabs, tables of contents, headings, indices, etc.). The parties are
22 to comply precisely with Local Rule 56-1 through 56-4.

23 No party may file more than one motion pursuant to Fed. R. Civ. P. 56,
24 regardless of whether such motion is denominated as a motion for summary judgment
25 or summary adjudication, without leave from the Court.

26 i. Statement of Undisputed Facts and Statement of Genuine
27 Issues:

1 The separate statement of undisputed facts shall be prepared in a two-column
2 format. The left hand column sets forth the allegedly undisputed fact. The right hand
3 column sets forth the evidence that supports the factual statement. The factual
4 statements should be set forth in sequentially numbered paragraphs. Each paragraph
5 should contain a narrowly focused statement of fact. Each numbered paragraph
6 should address a single subject as concisely as possible. Citations to attached facts or
7 declarations should include hyperlinks. Please follow the format at the attached link.
8

9 The opposing party's statement of genuine issues must be in two columns
10 and track the movant's separate statement exactly as prepared. The left hand column
11 must restate the allegedly undisputed fact, and the right hand column must state either
12 that it is undisputed or disputed. The opposing party may dispute all or only a portion
13 of the statement, but if disputing only a portion, it must clearly indicate what part is
14 being disputed, followed by the opposing party's evidence controverting the fact. The
15 court will not wade through a document to determine whether a fact really is in
16 dispute. To demonstrate that a fact is disputed, the opposing party must briefly state
17 why it disputes the moving party's asserted fact, cite to the relevant exhibit or other
18 piece of evidence, and describe what it is in that exhibit or evidence that refutes the
19 asserted fact. No legal argument should be set forth in this document. Citations to
20 attached facts or declarations should include hyperlinks. Please follow the format at
21 the attached link.

22 The opposing party may submit additional material facts that bear on or relate
23 to the issues raised by the movant, which shall follow the format described above for
24 the moving party's separate statement. These additional facts shall continue in
25 sequentially numbered paragraphs and shall set forth in the right hand
26 column the evidence that supports that statement.

27 ii. Supporting Evidence: No party shall submit evidence other
28 than the specific items of evidence or testimony necessary to support or controvert a

proposed statement of undisputed fact. For example, entire deposition transcripts, entire sets of interrogatory responses, and documents that do not specifically support or controvert material in the separate statement shall not be submitted in support of opposition to a motion for summary judgment. The court will not consider such material.

Evidence submitted in support of or in opposition to a motion should be submitted either by way of stipulation or as exhibits to declarations sufficient to authenticate the proffered evidence, and should not be attached to the memorandum of points and authorities. The court will accept counsel's authentication of deposition transcripts, written discovery responses and the receipt of documents in discovery if the fact that the document was in the opponent's possession is of independent significance. Documentary evidence as to which there is no stipulation regarding foundation must be accompanied by the testimony, either by declaration or properly authenticated deposition transcript, of a witness who can establish authenticity. Citations to evidence should include hyperlinks.

iii. Objections to Evidence: If a party disputes a fact based in whole or in part on an evidentiary objection, the ground of the objection, as indicated above, should be stated in a separate statement but not argued in that document. Do not submit blanket or boilerplate objections to the opponent's statements of undisputed fact. The boilerplate objections will be overruled and disregarded.

9. Proposed Orders. Each party filing or opposing a motion or seeking the determination of any matter shall serve and lodge a proposed order setting forth the relief or action sought and a brief statement of the rationale for the decision with appropriate citations.

10. Mandatory Chambers Copies: One (1) Mandatory chambers copy of all filed motions, oppositions or notice of non-opposition, and replies must be

1 delivered to Judge Beverly Reid O'Connell's chambers on Spring Street floor not later
2 than 12:00 noon the following business day. The Chambers copy shall not be blue
3 backed. For security reasons, mandatory chambers copies should be removed from
4 envelopes or folders before placing them on the table.

5 **11. Telephonic Hearings.** The Court believes that it is extremely helpful for
6 lead counsel to appear for scheduling conferences, motions, pretrial, and settlement
7 conferences. As a result, typically, the Court does not permit appearances or
8 arguments by way of telephone conference calls. If exceptional circumstances exist
9 necessitating a telephonic appearance or video conferencing , counsel should file a
10 written application to appear telephonically or by video detailing such exceptional
11 circumstance.

12 **12. Ex Parte Applications.** The Court considers ex parte applications
13 on the papers and does not usually set these matters for hearing. If a hearing is
14 necessary, the parties will be notified. Ex parte applications are solely for
15 extraordinary relief and should be used with discretion. Sanctions may be imposed for
16 misuse of ex parte applications. *See Mission Power Engineering Co. v. Continental*
17 *Casualty Co.*, 883 F. Supp. 488 (C.D. Cal. 1995).

18 Counsel's attention is directed to Local Rules. In addition to the requirements
19 of Local Rules 7-19 and 7-19.1, the moving party shall serve the opposing party by
20 email, facsimile transmission, or personal service and shall notify the opposition that
21 opposing papers must be filed no later than twenty-four hours (or one court day)
22 following such service. If counsel does not intend to oppose an ex parte application,
23 he or she must inform the Courtroom Deputy Clerk at (213) 894-5283.

24 **13. TROs and Injunctions.** Parties seeking emergency or provisional
25 relief shall comply with Rule 65 and Local Rule 65. The Court will not rule on any
26 application for such relief for at least twenty-four hours after the party subject to the
27

1 requested order has been served, unless service is excused. Such party may file
2 opposing or responding papers in the interim.
3

4 **14. Continuances.** This Court has a strong interest in keeping scheduled
5 dates certain. Changes in dates are disfavored. Trial dates set by the Court are firm
6 and will rarely be changed. Therefore, a stipulation to continue the date of any matter
7 before this Court must be supported by a sufficient basis that demonstrates good cause
8 why the change in the date is essential. Without such compelling factual support,
9 stipulations continuing dates set by this Court will not be approved. Counsel
10 requesting a continuance must lodge a proposed stipulation and order including a
11 detailed declaration of the grounds for the requested continuance or extension of time.
12 Failure to comply with the Local Rules and this Order will result in rejection of the
13 request without further notice to the parties. Proposed stipulations extending
14 scheduling dates do not become effective unless and until this Court so orders.
15 Counsel wishing to know whether a stipulation has been signed shall comply with the
16 applicable Local Rule.

17 **15. Communications with Chambers.** Counsel shall not attempt to
18 contact the Court or its staff by telephone or by any other ex parte means. Counsel
19 may contact the Courtroom Deputy Clerk with appropriate inquiries only. Counsel
20 shall not contact the Courtroom Deputy regarding status of ex parte application/ruling
21 or stipulation/ruling. . Counsel should list their email address, facsimile transmission
22 numbers along with their telephone numbers, and current email address on all papers
23 to facilitate communication with the Courtroom Deputy Clerk.

24 **16. Order Setting Scheduling Conference.** Pursuant to
25 Fed. R. Civ. P. 16(b), the Court will issue an Order setting a Scheduling Conference
26 as required by Fed. R. Civ. P. 26 and the Local Rules of this Court. Strict compliance
27 with Fed. R. Civ. P. 16 and 26 is required. Trial dates are schedules typically one year
28

1 from the filing of the complaint. Counsel should be prepared to address questions
2 regarding the trial date and discovery plan.

3 **17. Alternative Dispute Resolution (ADR).** This Court participates in
4 the Court-Directed ADR Program. If counsel have received a Notice to Parties of
5 Court-Directed ADR Program (ADR-08), the case will be presumptively referred to
6 the Court Mediation Panel or to private mediation at the time of the initial scheduling
7 conference. *See* General Order 11-10, §5.1. Counsel should include their shared or
8 separate views regarding a preference for the Court Mediation Panel or private
9 mediation, and when the mediation should occur, in the written report required by
10 Fed.R.Civ.P. 26(f) and Civil L.R. 26-1. For information about the Court's ADR
11 Program, the Mediation Panel, and mediator profiles, visit the "ADR" page of the
12 Court website.

13 **18. Notice of this Order.** Counsel for plaintiff or plaintiff (if appearing
14 on his or her own behalf) shall immediately serve this Order on all parties, including
15 any new parties to the action. If this case came to the Court by a Petition for
16 Removal, the removing defendant(s) shall serve this Order on all other parties.

17
18 IT IS SO ORDERED.

19
20 DATED: April 15, 2016



21 HON. BEVERLY REID O'CONNELL
22 United States District Judge